

THURSDAY, FEBRUARY 15, 1996

SIXTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jerry King, Director, Tennessee Baptist Convention, Nashville, Tennessee

Representative Davis led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; business reasons.

Representative Kerr; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 371: Rep(s). Curtiss, Windle, Williams(Williamson), McMillan as prime sponsor(s).

House Bill No. 1985: Rep(s). Hargrove, Cole(Carter), Duer, Naifeh, Davis, McKee, Fitzhugh, White, Roach, Williams(Williamson), Callicott and Kent as prime sponsor(s).

House Bill No. 2036: Rep(s). Winningham, Davidson, Phillips, Curtiss and Windle as prime sponsor(s).

MESSAGE FROM THE SENATE

February 15, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 334 and 335; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 334 -- Memorials, Personal Occasion - C.C. Denney, 85th birthday. by *Crowe.

Senate Joint Resolution No. 335 -- Memorials, Personal Occasion - Charles and Martha Brockwell, 50th Anniversary. by *Crowe.

MESSAGE FROM THE SENATE

February 15, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 331 and 332; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 331 -- Memorials, Death - Irene Dickinson. by *O'Brien.

Senate Joint Resolution No. 332 -- Memorials, Death - John Joseph Giovanni Cerrito. by *Cohen, *Kyle.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 434 -- Naming and Designating - "Ray Mears Court," basketball court, Thompson-Boling Arena at University of Tennessee (Knoxville). by *Burchett.

Education Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 21, 1996:

House Joint Resolution No. 435 -- Memorials, Death - Dr. John Huckaba. by *McAfee, *Wood, *Stulce, *Turner (Hamilton), *Sharp, *Brown.

House Joint Resolution No. 436 -- Memorials, Retirement - Edward T. Luther, State Geologist. by *McAfee, *Napier, *Bittle, *Cross, *Callicott, *Curtiss, *Odom, *Williams (Union).

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 21, 1996:

Senate Joint Resolution No. 325 -- Memorials, Professional Achievement - Dr. Bobby Jones, gospel music excellence. by *Harper.

Senate Joint Resolution No. 326 -- Memorials, Public Service - Prayer Temple Church of God in Christ, 40th anniversary. by *Harper.

Senate Joint Resolution No. 331 -- Memorials, Death - Irene Dickinson. by *O'Brien.

Senate Joint Resolution No. 332 -- Memorials, Death - John Joseph Giovanni Cerrito. by *Cohen, *Kyle.

Senate Joint Resolution No. 334 -- Memorials, Personal Occasion - C.C. Denney, 85th birthday. by *Crowe.

Senate Joint Resolution No. 335 -- Memorials, Personal Occasion - Charles and Martha Brockwell, 50th Anniversary. by *Crowe.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefilled for introduction, House Bill(s) No(s). 3247, was/were referred to the Delayed Bills Committee.

House Bill No. 3247 -- Sexual Offenses - Requires court imposing sentence to notify in writing any public or private school when employee of school convicted of sexual offense against minor. Amends TCA Title 40, Chapter 35. by *Chumney.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1958** -- Traffic Safety - Creates Class C misdemeanor offense of child under 12 riding in back bed of pickup truck on state, county or city roads, except for certain parades or agricultural purposes. Amends TCA Title 55, Chapter 8, Part 1. by *Cooper, *Gilbert, *Jordan.

Senate Bill No. 1981 -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by *Ford J.

***Senate Bill No. 2008** -- Sunset Laws - Board of paroles, June 30, 2002. Amends TCA. by *Haynes.

Senate Bill No. 2048 -- Historical Sites - Provides for erection of historical plaque at Routt-Wells Cemetery in Lincoln County. by *Cooper.

Senate Bill No. 2055 -- Firearms and Ammunition - Permits chief of police conducting background investigation on person attempting to purchase handgun to collect same fee from applicant that sheriff now collects for conducting such an investigation. Amends TCA Section 39-17-1316. by *Wright.

***Senate Bill No. 2623** -- Sunset Laws - Domestic violence state coordinating council, June 30, 1997. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 4. by *Haynes.

Senate Bill No. 2856 -- Sunset Laws - Adds post conviction defender commission to sunset provisions, June 30, 1997. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 30. by *Haynes.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3242 -- Bruceton -- Local Bills Held on House Desk

House Bill No. 3243 -- Greene County -- Local Bills Held on House Desk

House Bill No. 3244 -- Oliver Springs -- Local Bills Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 15, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for February 21, 1996**: House Bill(s) No(s).2053 and 1950.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for February 21, 1996**: House Bill(s) No(s). 2660, 2130, 2131, 2140, 2152, 2151 and 2134.

CONSENT CALENDAR

House Resolution No. 171 -- Memorials, Death - Colonel Jimmy Corbett. by *Herron.

House Resolution No. 172 -- Memorials, Personal Achievement - Brandon Thomas Everhart. by *Kerr, *Clabough.

House Resolution No. 173 -- Memorials, Academic Achievement - Carrie M. Tuttle, Who's Who. by *Williams (Union).

House Resolution No. 174 -- Memorials, Academic Achievement - Sarah Jean Partin, Who's Who. by *Williams (Union).

House Resolution No. 175 -- Memorials, Academic Achievement - Jo-Anna Mallicoat, Who's Who. by *Williams (Union).

House Resolution No. 176 -- Memorials, Retirement - Judge L. Clure Morton. by *Hargrove.

House Resolution No. 177 -- Memorials, Academic Achievement - Amy Overton, Who's Who. by *Williams (Union).

House Joint Resolution No. 432 -- Memorials, Personal Achievement - Eboni Star Gill, Memphis/Shelby County spelling bee winner. by *DeBerry L.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough,

Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2036** -- Charitable Institutions - Exempts registration fees for solicitation of charitable funds for charitable senior citizen center that has contract with state or federal government to provide services; exemption applies if center attaches copy of contract to registration form and secretary of state certifies contract is valid. Amends TCA Title 48, Chapter 101, by *Rhinehart, *Bell. (SB2096 by *Rochelle)

On motion, House Bill No. 2036 was made to conform with **Senate Bill No. 2096**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2096** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2034** -- Intergovernmental Relations - Requires intergovernmental relations commission to conduct annual inventory of needed infrastructure. Amends TCA Title 4, Chapter 10 and Section 67-9-102(b)(3). by *Rhinehart. (SB2097 by *Rochelle)

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Rep. Rhinehart moved that House Bill No. 2034 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2034 by deleting Section 3 in its entirety and substituting instead the following:

Section 3. Tennessee Code Annotated, Section 67-9-102(b)(3), is amended by inserting the following language immediately preceding the last sentence in subdivision(b)(3):

If, in any year there are funds remaining after the allocation provided for in subdivisions (b)(1) and (2) of this subsection, or there are no impacted areas, and after any allocation to the University of Tennessee as provided for in this subdivision, then any remaining funds, not to exceed twenty percent (20%) of the total of such impact funds per year, shall be allocated by the comptroller of the treasury to the Tennessee advisory commission on intergovernmental relations. The Tennessee advisory commission on intergovernmental relations shall utilize such funds for an annual inventory of statewide public infrastructure needs. This annual inventory of statewide public infrastructure needs is to be used to support efforts by state, county and municipal governments of Tennessee in developing goals, strategies and programs to provide adequate and essential public infrastructure which is needed to enhance and encourage economic development, support livable communities and improve the quality of life for the citizens of this state.

On motion, Amendment No. 1 was adopted.

Rep. Bragg requested that House Bill No. 2034 be referred to the Finance, Ways & Means Committee.

Rep. Rhinehart objected to the request that House Bill No. 2034 be referred to the Finance, Ways & Means Committee

RECESS MOTION

On motion of Speaker Naifeh, the House stood in brief recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Representative Purcell, the roll call was dispensed with.

BILLS WITHDRAWN

On motion of Rep. Rhinehart, **House Bill No. 2034** was withdrawn from the House.

REGULAR CALENDAR, CONTINUED

House Bill No. 2066 -- Correctional Programs - Changes name of Tennessee rehabilitation and inmate labor board (TRAIL) to Tennessee rehabilitative initiative in correction board (TRICOR). Amends TCA Section 41-22-404. by *Rhinehart. (*SB1965 by *Kyle)

On motion, House Bill No. 2066 was made to conform with **Senate Bill No. 1965**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 1965 be passed on third and final consideration.

On motion, Rep. Jones, R.(Shelby) withdrew State & Local Government Committee Amendment No. 1

Rep. Rhinehart moved that **Senate Bill No. 1965** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1976** -- Codes - Provides that statewide electrical code adopted by state fire marshal has priority over all conflicting electrical codes in counties or cities having multiple code jurisdictions. Amends TCA Section 68-102-113. by *Buck, *Hicks, *Phillips, *Turner (Shelby). (SB2155 by *Springer)

Rep. Buck moved that House Bill No. 1976 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1976 by designating the existing amendatory language of Section 1 as subdivision (1) and by adding the following new subdivision:

(2) The provisions of this subsection do not apply to a municipality that conducts its own inspection for compliance with electrical standards.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1976 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Miller moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Buck moved that **House Bill No. 1976**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1985 -- Sports - Creates Class E felony offense for sports agent to offer or give anything to student athlete for purpose of inducing student athlete to enter agent contract with such agent. Amends TCA Title 49, Chapter 7, Part 21. by *Buck, *Bragg, *Eckles, *Bell. (*SB1947 by *Womack, *Burks, *Carter, *Crutchfield, *Springer)

On motion, House Bill No. 1985 was made to conform with **Senate Bill No. 1947**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 1947, be passed on third and final consideration.

Rep. Jones, R. (Shelby) moved adoption of Amendment No. 1.

Rep. Buck moved that Amendment No. 1 be tabled.

Rep. Buck moved that the tabling motion be withdrawn, which motion prevailed.

Rep. Jones, R. (Shelby) moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Turner(Hamilton) moved the previous question, which motion failed by the following vote:

Ayes	58
Noes	33

Representatives voting aye were: Beavers, Bell, Bird, Boyer, Bragg, Buck, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, S., Joyce, Kent, Kisber, McAfee, McDonald, McMillan, Napier, Newton, Peach, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 58.

Representatives voting no were: Armstrong, Arriola, Bittle, Bowers, Brooks, Brown, Callicott, Chumney, DeBerry, J., DeBerry, L., Dunn, Fitzhugh, Ford, Givens, Haley, Herron, Jones, R. (Shelby), Kernell, Langster, Lewis, McDaniel, McKee, Miller, Odom, Patton, Phillips, Ramsey, Rinks, Shirley, Towns, Turner (Shelby), Westmoreland, Williams (Williamson) -- 33.

Rep. Head moved the previous question, which motion prevailed by the following vote:

Ayes	63
Noes	23

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss,

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Davidson, Davis, Duer, Eckles, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Joyce, Kent, Kisber, Langster, Lewis, McAfee, McDonald, McMillan, Newton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 63.

Representatives voting no were: Armstrong, Bittle, Bowers, Brooks, Brown, Chumney, DeBerry, L., Dunn, Fitzhugh, Ford, Givens, Haley, Herron, Jones, R. (Shelby), Kernell, McDaniel, Miller, Odom, Patton, Phillips, Towns, Turner (Shelby), Williams (Williamson) -- 23.

Rep. Buck moved that **Senate Bill No. 1947** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	74
Noes	12
Present and not voting	8

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Joyce, Kent, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Peach, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, DeBerry, L., Dunn, Kernell, Phillips, Towns, Turner (Shelby) -- 12.

Representatives present and not voting were: Coffey, DeBerry, J., Jones, R. (Shelby), Langster, Miller, Napier, Patton, Pruitt -- 8.

A motion to reconsider was tabled.

House Bill No. 2040 -- Election Laws - Permits printing of numerals on ballots used with Microvote electronic voting system as permitted for printing numerals on face of punch cards. Amends TCA Section 2-5-208. by *Beavers, *Bell. (*SB2039 by *Rochelle)

On motion, House Bill No. 2040 was made to conform with **Senate Bill No. 2039**; the Senate Bill was substituted for the House Bill.

Rep. Beavers moved that **Senate Bill No. 2039** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

***House Joint Resolution No. 371** -- Memorials, Congress - Urges refraining from privatizing certain Tennessee lakes. by *McDonald, *Buck, *West, *Winningham, *Bell, *Ridgeway.

Rep. McDonald moved that **House Joint Resolution No. 371** be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2622: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2673: Rep(s). Walley as prime sponsor(s).

House Bill No. 2794: Rep(s). Walley as prime sponsor(s).

House Bill No. 2828: Rep(s). Ford as prime sponsor(s).

House Bill No. 2871: Rep(s). Walley as prime sponsor(s).

House Bill No. 2898: Rep(s). Givens, Stamps, McDaniel, Haley, Dunn, Burchett, Shirley, Boyer, Wood, Ford, Bittle, Peach, Newton, Cantrell, Cross, Pinion, Cole(Dyer), Venable, Williams(Union), Davidson, Head, Stulce, Roach, Callicott, Winningham, Kerr and Gunnels as prime sponsor(s).

ENROLLED BILLS

February 15, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2732 and House Resolution(s) No(s). 170.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 15, 1996

The Speaker signed the following: House Bill(s) No(s). 2732 and House Resolution(s) No(s). 170.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 15, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2732; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
February 15, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2732.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
February 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 432.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 422, 423, 424, 425, 427 and 428; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2307, 2349, 2351 and 2639; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1976.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
February 15, 1996**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 171, 172, 173, 174, 175, 176 and 177; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
February 15, 1996

The Speaker signed the following: House Resolution(s) No(s). 171, 172, 173, 174, 175, 176 and 177.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
February 15, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 371.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
February 15, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2732, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE
February 15, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2063, 2170, 2199, 2210, 2227, 2310, 2315, 2353, 2356, 2374, 2433, 2621, 2647, 2705, 2711, 2935, 2979, 2991 and 3012; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2063 -- Criminal Offenses - Increases permitting or facilitating escape from Class A misdemeanor to Class E felony unless the offense was committed intentionally or knowingly in which case increases offense from Class D to Class C felony. Amends TCA Section 39-16-607. by *McNally, *Haun, *Holcomb, *Crowe, *Atchley, *Gilbert, *Koella, *Miller J, *Fowler, *Eisea, *Rice, *Carter, *Person, *Leatherwood.

***Senate Bill No. 2170** -- Alcoholic Beverages - Removes law enforcement power of constables with respect to beer law. Repeals TCA Section 57-5-202(c)(2). by *Cohen.

Senate Bill No. 2199 -- Municipal Government - Redefines "municipality" to include county under municipal utilities revenue bond law. Amends TCA Section 7-34-102. by *Hamilton.

***Senate Bill No. 2210** -- Insurance, Liability - Increases minimum amount of liability insurance for blasting from \$100,000 to \$500,000. Amends TCA Title 68, Chapter 105, Part 1. by *Womack.

THURSDAY, FEBRUARY 15, 1996 -- SIXTY-THIRD LEGISLATIVE DAY

***Senate Bill No. 2227** -- Municipal Government - Clarifies that home rule municipalities may set penalties to cover administrative expenses for collection of municipal violations. Amends TCA Title 6, Chapter 54. by *Kyle.

***Senate Bill No. 2310** -- Fiduciaries - Permits appointment of more than one custodian on transfer; allows minor's name to be placed first on transfer. Amends TCA Title 35, Chapter 7. by *Miller J, *Fowler.

***Senate Bill No. 2315** -- Criminal Procedure - Makes manner of paying fine under pretrial diversion part of memorandum of understanding. Amends TCA Section 40-15-105. by *Miller J.

***Senate Bill No. 2353** -- Hospitals and Health Care Facilities - Requires hospitals to include report on community benefits in annual report submitted to department of health. Amends TCA Section 68-11-310. by *Atchley, *Crutchfield, *Henry, *Hamilton, *McNally, *Ford J, *Holcomb.

***Senate Bill No. 2356** -- Knox County - Subject to local approval, increases number of commissioners of tourist commission from seven to nine; one to be appointed by the county executive and confirmed by the county legislative body and one to be appointed by the mayor and confirmed by the city council. Amends Chapter 847 of the Public Acts of 1982. by *Atchley.

***Senate Bill No. 2374** -- Insurance, Motor Vehicles - Permits insurance companies to use electronic imaging of signatures to comply with requirements concerning accepting or rejecting uninsured motorist insurance. Amends TCA Section 56-7-1201. by *Rochelle.

***Senate Bill No. 2433** -- Teachers - Increases, from 86 to 136, maximum number of scholarship recipients who may participate, at any one time, in minority teaching fellows program. Amends TCA Section 49-4-706. by *Harper, *Ford J, *Dixon, *Womack, *Crutchfield, *Burks.

***Senate Bill No. 2621** -- Sunset Laws - Department of general services, June 30, 2004; requires department to submit reports to members of general assembly on energy savings by department. Amends TCA Title 4, Chapters 3 and 29. by *Haynes.

***Senate Bill No. 2647** -- Utilities, Utility Districts - Clarifies procedures for property tax assessments of public utility companies. Amends TCA Title 67, Chapter 5, Part 13. by *Henry.

***Senate Bill No. 2705** -- State Employees - Conforms state employee paternity leave provisions, relative to birth children, to paternity leave provisions applied in cases of adoption; if both parents are state employees, aggregate of sick leave for maternity and paternity is limited to 30 days. Amends TCA Title 8, Chapter 50, Part 8. by *Womack.

Senate Bill No. 2711 -- Local Government, General - Provides that railroad authorities are acting as agencies and instrumentalities of creating and participating counties and municipalities when acquiring, constructing and maintaining railroad property and facilities. Amends TCA Section 7-56-202. by *Elsa, *Springer.

THURSDAY, FEBRUARY 15, 1996 -- SIXTY-THIRD LEGISLATIVE DAY

Senate Bill No. 2935 -- Bond Issues - Transfers capital outlay notes refunding provision to appropriate TCA location; permits g.o. refunding bonds to be sold at private negotiated sale. Amends TCA Title 9, Chapter 21, Part 9 and Title 9, Chapter 21, Part 6. by *Henry.

***Senate Bill No. 2979** -- Taxes, Sales - Permits lump sum payment of local option use tax on leased personal property with single article limit of \$1,600. Amends TCA Section 67-6-204(c)(3). by *Henry.

***Senate Bill No. 2991** -- County Officers - Authorizes Dyer County trustee, in the trustee's discretion, to accept property taxes after July 10 and after tax rates finally set, tax rolls received and receipts prepared. Amends TCA Section 67-1-702. by *Hamilton.

***Senate Bill No. 3012** -- Utilities, Utility Districts - Changes from department of transportation to Tennessee regulatory authority responsibility to oversee construction of natural gas pipelines and to review and approve rates and contracts for services involving natural gas. Amends TCA 7-82-301. by *Gilbert.

CONSENT CALENDAR

February 15, 1996

The following local bills have been placed on the Consent Calendar for **February 21, 1996**: House Bill(s) No(s). 3241, 3240 and 2998.

ROLL CALL

The roll call was taken with the following results:

Present95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Representative Purcell moved that, pursuant to House Joint Resolution No. 433, the House stand in recess until 2:00 p.m. on Wednesday, February 21, 1996, which motion prevailed.